

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

D-3 EDDIE ORAH,

Defendant.

Case No. 09-20297

Honorable John Corbett O'Meara

ORDER DENYING DEFENDANT'S MOTION FOR RECONSIDERATION

This matter came before the court on defendant Eddie Orah's May 19, 2011 motion for reconsideration of the court's May 4, 2011 Order Denying Defendant's Motion to Quash Arrest Warrant and to Dismiss Indictment. Pursuant to Local Rule 7.1(h)(2), no response was permitted unless ordered by the court; therefore, the court ordered the government to respond. The government filed its response July 21, 2011.

In his motion for reconsideration, defendant Orah again argues that the Fugitive Disentitlement Doctrine, upon which the court relied in denying his initial motion, is inapplicable to his case. However, assuming that the doctrine is inapplicable, Defendant is not entitled to any relief, as his claim that the Indictment should be dismissed fails on the merits.

In arguing that the Indictment should be dismissed, Defendant asserts that he was indicted only because the alleged victim of his alleged fraud lied. A grand jury's probable cause determination, however, is immune from this kind of pretrial evidentiary attack. See Costello v. United States, 350 U.S. 359 (1956). Defendant's motion to dismiss asked the court to weigh the

evidence supporting the Indictment--something the court cannot do based on Costello. Therefore, the court must deny Defendant's motion for reconsideration.

ORDER

It is hereby **ORDERED** that defendant Eddie Orah's May 19, 2011 motion for reconsideration is **DENIED**.

s/John Corbett O'Meara
United States District Judge

Date: September 20, 2011

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, September 20, 2011, using the ECF system.

s/William Barkholz
Case Manager